IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 4468 of 2007()

MC.17/2007 of J.F.C.M- KOTHAMANGALAM

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REVN. PETITIONER: PETITIONER

MRS.SAHITHA, AGED 22 YEARS,
S/O.SAIDU MOHAMMED, MUKALEL HOUSE,
PALLARIMANGALAM KARA, POTHANIKKADU VILLAGE,
KOTHAMANGALAM.

BY ADV. SRI.M.V.JOY
SRI.T.K.SAJEEV
SRI.BABU. E.A.U.

RESPONDENTS: RESPONDENTS

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1. NOUSHAD, AGED 30 YEARS, S/O.IBRAHIM,
VADAKKANETHIL HOUSE, MANJAPETTY, PALLIPRAMKARA,
MARAMBILLY VILLAGE.

2. CHITHUMMA, W/O.IBRAHIM, VADAKKANETHIL
HOUSE, MANJAPETTY PALLIPRAM KARA,
MARAMBILLY VILLAGE.

3. IBRAHIM, VADAKKANETHIL HOUSE,
MANJAPETTY, PALLIPRAM KARA,
MARAMBILLY VILLAGE.

4. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P.No.4468 of 2007

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Dated this the 17th day of December, 2007

ORDER

Petitioner who is the wife of the 1st respondent and the daughter in law of the 2nd and 3rd respondent filed M.C.No.17 of 2007 before the J.F.C.M-Kothamangalam under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (herein after referred to as the 'Act"). The said M.C. was filed on 2.7.07. On 3.11.07, the said M.C. was dismissed on account of the absence of the petitioner/ complainant. It is the said order which is assailed in this revision.

2. Whatever may be the reason for dismissal of the M.C, Section 29 of the Act reads as follows:

> "Appeal:- There shall be an appeal to the Court of Sessions within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later."

3. Thus an appeal lies to the Sessions Court against any order passed by the Magistrate under the provisions of the Act.

That has been the consistent view of this Court. Since the impugned order is appealable, this revision is not maintainable in view of the bar under Section 401(4) Cr.P.C.

This revision is accordingly dismissed, without prejudice to the right of the petitioner to file an appeal against the impugned order.

V. RAMKUMAR, JUDGE

sj